

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA	*	
Plaintiff,	*	
v.	*	Cr. No. 09-20314-RHC
MICHAEL LUSK,	*	
Defendant.	*	

FINAL ORDER OF FORFEITURE

This cause comes before the Court on motion of the United States for entry of a final order of forfeiture as to specific property pursuant to Title 18 United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461, and the Court being fully informed hereby finds as follows:

(a) On June 19, 2009, a federal grand jury in the Western District of Tennessee returned an indictment charging defendant Michael Lusk and others with a conspiracy to defraud the United States by committing mail, wire, and bank fraud, in violation of 18 U.S.C. §371; mail fraud, in violation of 18 U.S.C. §1341; and bank fraud, in violation of 18 U.S.C. §1344. The indictment also contained forfeiture allegations alleging that certain property, described in more detail below, was subject to forfeiture upon conviction.

(b) On May 14, 2012, Lusk entered a plea of guilty as charged in Count 1 of the indictment in a plea agreement in which he also consented to the forfeiture of certain property named in the indictment.

(c) A preliminary order of forfeiture was entered in the above-styled case on August 16, 2013 (R.E #233) and amended on September 11, 2013 (R.E. #236), forfeiting the defendant's interest in the property described below to the United States.

(d) The United States provided either direct written notice, notice by way of publication, or actual notice to all known potential third party claimants.

(e) SKL Investments, Inc. had actual notice of the preliminary order, as evidenced by its timely petition, filed in *SKL Investments, Inc. v. United States*, No. 13-mc-00038-RHC (W.D. Tenn.) on November 13, 2013. On September 2, 2014, the Court entered an order granting the government's motion to dismiss that petition, and the time for appealing that ruling has now expired.

(f) Frankie Hunter had actual notice of the preliminary order, as evidence by his timely petition, filed in *Frankie Hunter v. United States*, No. 13-mc-00039-RHC (W.D. Tenn.) on November 21, 2013. That petition was subsequently transferred from the Court's miscellaneous docket to its civil docket and given Case No. 14-02688-RHC (W.D. Tenn.). On October 9, 2014, following a hearing on the merits, the Court entered an order denying Hunter's petition, and the time for appealing that ruling has now expired.

(g) To date, no other petitions have been filed requesting a hearing to adjudicate any interest in the subject property, and the time in which to do so has expired.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Pursuant to the provisions of Title 18 United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461, and Federal Rule of Criminal Procedure 32.2, all right, title and interest of all actual and potential claimants, including, but not limited to, Michael Lusk, SKL Investments, Inc., and Frankie Hunter, in the following property ("the subject property") is

hereby forfeited to the United States to be disposed of in accordance with law:

**FORFEITURE FOR CONSPIRACY TO COMMIT
MAIL, WIRE AND BANK FRAUD**

- (a) A sum of money, not to exceed twelve million dollars (\$12,000,000), representing proceeds obtained as a result of the conspiracy and scheme described in Count 1 of the indictment.
- (b) One (1) parcel of Real Property located at 9084 Hunters Ridge Drive, Olive Branch, Mississippi, with all appurtenances and improvements thereon, and more particularly described as follows:

Lot 11, Section B, Hunters Ridge, as situated is Section 17, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 69, Page 45, in the office of the Chancery Clerk of DeSoto County, Mississippi.
- (c) One (1) 2007 Toyota Tundra Truck VIN# 5TBEV58177S464839, with all Appurtenances and Attachments Thereon.
- (d) One (1) 2006 Mercedes Benz VIN# WDBNG75J16A463519, with all Appurtenances and Attachments Thereon.
- (e) One (1) 2007 Corvette VIN# 1G1YY36U375106682, with all Appurtenances and Attachments Thereon.
- (f) One (1) 2007 Kawasaki Ninja 1400 motorcycle VIN# JKBZXNA107A17902, with all Appurtenances and Attachments Thereon.
- (g) One (1) 2003 Cadillac Escalade VIN# 3GYEK63N93G161824, with all Appurtenances and Attachments Thereon.
- (h) One (1) 2003 Cadillac Escalade VIN# 1GYEC63T53R249992, with all Appurtenances and Attachments Thereon.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

the United States, pursuant to 21 U.S.C. §853(p) as incorporated by 28 U.S.C. §2461(c), shall be entitled to forfeiture of any other property of said defendant up to the value of the forfeitable property described above. This property includes, but is not limited to, the following, which the United States is authorized to seize:

Seventy-seven thousand four hundred eighty-eight dollars sixty-nine cents (\$77,488.69) in U.S. funds from Regions Bank Account # 0192072011 in the name of Frankie Hunter

It is further ORDERED that:

2. Pursuant to the provisions of Title 21 United States Code, Section 853(n)(7), following entry of this Order, the United States shall have clear title to the subject property and shall dispose of the property according to law.

3. This Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.

IT IS SO ORDERED, this 10th day of November, 2014.

s/Robert H. Cleland
ROBERT H. CLELAND
United States District Judge

APPROVED:

EDWARD L. STANTON III
United States Attorney

By: /s Christopher E. Cotten
CHRISTOPHER E. COTTEN
Assistant United States Attorney